

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SONY MUSIC ENTERTAINMENT, *et al.*,
Plaintiffs,

v.

COX COMMUNICATIONS, INC, *et al.*,
Defendants.

Civil No. 1:18-cv-00950 (LO/JFA)

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS’
REQUEST FOR JUDICIAL NOTICE**

INTRODUCTION

Pursuant to Federal Rule of Evidence 201, Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, “Cox” or “Defendants”) respectfully request that the Court take judicial notice of the Judicial Caseload Profile of the Eastern District of Virginia and Northern District of Georgia, attached hereto as Exhibit 1.

I. ARGUMENT

A. Legal Standard

Federal Rule of Evidence 201 provides that a fact is subject to judicial notice if it is one not subject to reasonable dispute because it “(1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Further, the court may take judicial notice of documents that are a matter of public record. *See Hall v. Virginia*, 385 F.3d 421, 424 n.3 (4th Cir. 2004). Rule 201 also instructs that, “at any stage of the proceeding,” a court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c), (d).

B. Judicial Notice of the Judicial Caseload Profile Is Proper at This Stage.

Here, the Judicial Caseload Profile can and should be judicially noticed because it is “not subject to reasonable dispute” and its “accuracy cannot reasonably be questioned.” The document, attached hereto as Exhibit 1, contains publicly available government data that is accessible through the United States Court website.¹ Thus, it is data that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Indeed, courts regularly take judicial notice of such government records. *See, e.g., Texas & Pac. Ry. Co. v. Pottorff*, 291 U.S. 245, 254 n.4 (1933), amended on other grounds, 291 U.S. 649 (1934) (taking judicial notice of official reports put forth by the Comptroller of the Currency); *Del Puerto Water Dist. v. United States Bureau of Reclamation*, 271 F. Supp. 2d 1224, 1234 (E.D. Cal. 2003) (taking judicial notice of public documents, including Senate and House Reports).

Furthermore, the data in the Judicial Caseload Profile is directly relevant to the Court’s consideration of Defendants’ Motion to Transfer Venue, as it shows that this case would likely proceed expediently in Northern District of Georgia. For the foregoing reasons, Cox respectfully requests that the Court grant its Request for Judicial Notice.

II. CONCLUSION

For the foregoing reasons, Cox respectfully requests that the Court take judicial notice of the Judicial Caseload Profile of the Eastern District of Virginia and Northern District of Georgia, attached hereto as Exhibit 1.

¹ *See* Federal Court Management Statistics, June 2018, UNITED STATES COURTS, <http://www.uscourts.gov/statistics-reports/federal-court-management-statistics-june-2018> (last visited Sep 24, 2018). Exhibit 1 contains statistics only for the Eastern District of Virginia and the Northern District of Georgia from the June 2018 Report. Statistics in the June 2018 Report for other districts were removed.

Dated: September 24, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 24 2018, a copy of the foregoing MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' REQUEST FOR JUDICIAL NOTICE was filed electronically with the Clerk of Court using the ECF system which will send notifications to ECF participants.

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